

Chapter 113. An Act to Increase Protection for Endangered and Threatened Species

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §7756, first ¶, as enacted by PL 1999, c. 316, §1, is amended to read:

For the purposes of this section, "to take, take and taking" means the ~~intentional or negligent~~ act or omission that results in the death of any endangered or threatened species.

Sec. 2. 12 MRSA §7756, sub-§1, as amended by PL 1999, c. 316, §1, is repealed and the following enacted in its place:

1. Prohibited acts regarding endangered or threatened species; negligence. Except as provided in subsection 2, a person may not negligently:

A. Import into the State or export out of the State any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class E crime;

B. Hunt, take, trap or possess any endangered or threatened species within the State. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class E crime;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class E crime; or

D. Except as allowed under subsection 2, paragraph A:

(1) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this subparagraph for the first time.

(2) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this subparagraph after having previously been given a warning under subsection 1 commits a Class E crime.

Sec. 3. 12 MRSA §7756, sub-§1-A is enacted to read:

1-A. Prohibited acts regarding endangered or threatened species; intentional. Except as provided in subsection 2, a person may not intentionally:

A. Import into the State or export out of the State any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class D crime;

B. Hunt, take, trap or possess any endangered or threatened species within the State. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class D crime;

C. Possess, process, sells, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class D crime; or

D. Except as allowed under subsection 2, paragraph A:

(1) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this subparagraph for the first time.

(2) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this subparagraph after having previously been given a warning under subsection 1 commits a Class D crime.

Sec. 4. 12 MRSA §7756, sub-§2, as amended by PL 1999, c. 316, §1, is amended by amending the first paragraph to read:

2. Exceptions. Notwithstanding subsection 1 and 1-A, the commissioner may: